

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-2 and 22-25 are now pending.

Claims 1-2 and 20-22 stand rejected under 35 USC §103(a) as being unpatentable over Maurer, III, et al., US 2003/0065780 (Maurer) in view of Marshall, et al., US 2003/0135478 (Marshall). The Applicants respectfully traverse, noting that neither Maurer nor Marshall discloses steps, means, or code for, after switching the program access allowance from the first database to the duplicate second database, storing a history of a processing of the program to the second database as a processing history and allowing a predetermined input/output access to the first database in parallel with the storing, the processing history being stored during the execution of the input/output access. Further, neither Maurer nor Marshall discloses steps, means, or code for updating the first database based on the processing history stored during the input/output access, inasmuch as neither discloses the parallel storing to the second database and access to the first database.

Indeed, the Applicants submit that the most relevant teaching of Maurer is limited to the disclosure of logical volume swapping, and of Marshall to the disclosure of unloading and reloading the contents of a main volume to a shadow volume. Thus, even in any motivated combination, Maurer and Marshall do not suggest to the person of ordinary skill in the art, the subject matter added to the independent claims by amendment above.

New dependent claims 23-25 further patentably limit the independent claims by defining specific aspects of the access to the first database that is performed in parallel with the storing to the second database. Even if one were to ignore the patentable features of the independent claims as distinguished above, one must

recognize that neither Maurer nor Marshall, nor any motivated combination of these two documents, suggests the specific limitations added in the new claims.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.43519X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Daniel J. Stanger
Registration No. 32,846

DJS/sdb
(703) 684-1120